

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Prisoners – Grant of special remission to the life convicted prisoners on the occasion of Independence Day, 2009 – Guidelines – Issued.

HOME (PRISONS.C) DEPARTMENT

G.O.Ms.No.338

Date:24-07-2009

Read the following:-

1. G.O.Ms.No.17, Home (Prisons-B.2) Department,
Dated: 17-01-2003.
2. From the Principal Secretary to Chief Minister,
CMP No. 1680/2009, dated 13-07-2009 and
CMP No. 11758/2009, dated 14-07-2009.

ORDER:

The Government have received representations from the Political Parties of CPI of A.P., Hyderabad, and family members of life convicted prisoners, Prisoner's Agricultural Colony, Ananthapur, in the references 2nd read above, have requested for grant of special remission to the life convicted prisoners who have completed 5/7 years of sentence and the prisoners who have crossed the age of 65 years and suffering with chronic diseases.

2. The Government have examined the requests of the Political Parties as well as the family members of prisoners and decided to grant remission of sentence, on the occasion of Independence Day, 2009, to certain categories of life convicted prisoners, who have been convicted for an offence or offences against laws relating to matters to which the executive power of the State extends.

3. The Government hereby issue the following guidelines giving one time exemption to the orders issued in the reference first read above, to consider the cases of following categories of prisoners in the State, who have been convicted by Civil Courts of criminal jurisdiction:

- a) All convicted women prisoners sentenced to imprisonment for life who have undergone an actual sentence of 5 years and total sentence of 7 years including remission as on 15-08-2009.
- b) All decrepit prisoners as defined in Rule 321 (h) of A.P. Prison Rules, 1979, r/w G.O. Ms. No. 44, Home (Prisons.B2) Department, dated 16-03-2007.
- c) All the convicted prisoners sentenced to imprisonment for life including those governed by section 433-A, Code of Criminal Procedure, 1973 (Central Act 2 of 1974) aged more than 65 years and have undergone an actual sentence of 5 years and total sentence of 7 years including remission as on 15-08-2009.

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- d) All the convicted prisoners sentenced to imprisonment for life including those governed by section 433-A, Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and who have undergone an actual sentence of 7 years and total sentence of 10 years including remission as on 15-08-2009 and;

4. The remission of sentence in para (3) above shall also apply to prisoners, who have been convicted by Courts situated within the State of Andhra Pradesh and are undergoing sentence in other States, but shall not apply to the following categories of prisoners, namely;

- i) Prisoners convicted and sentenced by Courts situated outside the State of Andhra Pradesh;
- ii) Prisoners convicted of offences against laws relating to a matter to which the executive powers of the Union extends;
- iii) Prisoners involved in and convicted for offences related to communal incidents;
- iv) Prisoners convicted of murder of Public Servants on duty.
- v) Prisoners convicted under the Essential Commodities Act;
- vi) Prisoners convicted under the Protection of Civil Rights Act, 1955;
- vii) Prisoners convicted under the Andhra Pradesh Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- vii) Prisoners convicted for crimes against Women under Section 354, 376 and 498 A IPC while being sentenced to imprisonment for life.
- ix) Prisoners sentenced to death sentence, which is later commuted to life sentence.
- x) Life convicted prisoners who have availed either parole/furlough during the preceding two years and not surrendered in time.

5. The Director General & Inspector General of Prisons & Correctional Services, Andhra Pradesh, Hyderabad is requested to send the list of prison-wise eligible convicts as per the guidelines issued in paragraphs 3 and 4 above, in the proforma annexed to this order in six sets.

6. A Committee with the following members, under the Chairmanship of the Principal Secretary to Government, Home (Prisons) Department is hereby constituted and it will review the lists and recommend to the Government for consideration:

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|---|---------------------|
| 1. Principal Secretary to Government,
Home (Prisons) Department,
Government of Andhra Pradesh, Hyderabad. | Chairman |
| 2. Secretary to Government, Legal Affairs,
Law Department, Government of Andhra
Pradesh, Hyderabad. | Member |
| 3. Director General and Inspector General of
Police, A.P., Hyderabad, OR his nominee. | Member |
| 4. Chief Legal Advisor, CID, Hyderabad,
who is a District Judge. | Member |
| 5. Additional Director General / Inspector
General of Police (Law & Order) O/o. the
Director General & Inspector General of
Police, Andhra Pradesh, Hyderabad. | Member |
| 6. Director General & Inspector General of
Prisons & Correctional Services, A.P.,
Hyderabad. | Member/
Convenor |

7. The G.O. is available on internet and can be accessed at the address <http://www.aponline.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General & Inspector General of Prisons &
Correctional Services, Andhra Pradesh, Hyderabad.

Copy to:
The Director, Information & Public Relations,
Andhra Pradesh, Hyderabad.
The Law (E) Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE

(Annexure to G.O. Ms. No.338, Home (Prisons-C) Department,
Dated: 24-07-2009)

Sl. No.	Name, CT No. and age of the convict	Residential address	Offence committed, Sentence, case No. & Date, Sentencing Court	Sentence served as on 15-08-2009 (YY) (MM) (DD)	
				Actual sentence	Total sentence
(1)	(2)	(3)	(4)	(5)	(6)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER.